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**UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION**

APOTHECARY MOVEMENT, LLC, a Utah
limited liability company,

Plaintiff,

vs.

BH ELEGANT LINENS, LLC dbas AA
WHOLESALE DEALS; and SWIFT
INNOVATIONS, a New York limited liability
company,

Defendants.

**SWIFT’S SUPPLEMENTAL
SUBMISSION IN SUPPORT OF
MOTION TO SET ASIDE DEFAULT
JUDGEMENT AND TO VACATE
WRITS OF GARNISHMENT**

Civil No. 2:23-cv-00845-HCN-DAO

Judge Howard C. Nielson, Jr.

Putative Defendant/Judgment Debtor Swift Innovations, LLC (“Swift”), by and through its counsel, Richard A. Kaplan of YOUNG HOFFMAN, LLC, respectfully offers this Supplemental Submission to the Court, together with the attached Declaration of Avi Alhakim (“Alhakim Decl.”) and the Exhibits thereto, in support of Swift’s Motion to Set Aside Default Judgment as void for lack of jurisdiction under Rule 60 (4) of the Federal Rules of Civil Procedure and to Vacate Writs of Garnishment. This submission is made in response to the Court’s Docket Text Order dated Friday, April 12, 2024. Further, counsel finds it necessary to acknowledge that in seeking to simplify and expedite the filing of the motion by relying on the pleadings, he clearly

misread the Second Amended Complaint and failed to verify or correct his misunderstanding. Simply put, what counsel said in earlier papers about Swift's state of formation was wrong. Counsel expresses his sincere apology for the error and especially for the extra work he created needlessly for the Court and its staff.

Dated this 15th day of April, 2024.

/s/ Richard A. Kaplan
Richard A Kaplan
Young Hoffman, LLC
Attorney for Swift Innovations, LLC